

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

| | | |
|----------------------------------|---|---------------------|
| JON S. DINGES, |) | |
| |) | |
| Plaintiff, |) | Case No. 06-1831-HO |
| |) | |
| v. |) | ORDER |
| |) | |
| Commissioner of Social Security, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

Plaintiff brings this proceeding pursuant to section 205(g) of the Social Security Act (the Act), as amended, 42 U.S.C. § 405(g), to obtain judicial review of the Commissioner's final decision denying plaintiff's application for disability insurance benefits. Plaintiff asserts disability beginning February 8, 2001. After a hearing, an administrative law judge (ALJ) determined that plaintiff is not disabled. Plaintiff appealed to the Appeals Council resulting in additional proceedings before the ALJ. The

ALJ again issued an unfavorable decision. The Appeals Council issued a final notice of denial on October 13, 2006.

Plaintiff filed this action on December 22, 2006. The Commissioner argues that to be timely, this action should have been commenced no later than December 18, 2006. See 42 U.S.C. § 405(g) (civil action to be commenced within 60 days after the mailing of notice). Accordingly, the Commissioner moves to dismiss. Plaintiff has not opposed the motion and the motion is granted.

CONCLUSION

The Commissioner's motion to dismiss (#17) is granted and this action is dismissed.

DATED this 26th day of September, 2007.

s/ Michael R. Hogan
UNITED STATES DISTRICT JUDGE